

# EXHIBIT A

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7 Attorneys for Plaintiff,

8 Yessica Ortiz

CASE NO: A-20-817788-C

Department 11

9 **EIGHTH JUDICIAL DISTRICT COURT**10 **CLARK COUNTY, NEVADA**

12 YESSICA ORTIZ, an individual;

Case No.:

13  
14 Plaintiff,**COMPLAINT FOR DAMAGES**

15 vs.

1. **MOTOR VEHICLE NEGLIGENCE**
2. **GENERAL NEGLIGENCE**
3. **NEGLIGENT ENTRUSTMENT**
4. **RESPONDEAT SUPERIOR**

16 SONORAN BARBEQUE NEVADA, LLC,  
 17 dba FAMOUS DAVE'S BAR-B-QUE;  
 18 BERTHA LOREA ZAPEDA, an individual;  
 and DOES 1 to 50, inclusive.

[DEMAND FOR TRIAL BY JURY]

19 Defendants.

20  
 21 COMES NOW Plaintiff Yessica Ortiz (hereinafter "Plaintiff"), by and through her counsel,  
 22 Lisa Rasmussen and Kristina Wildeveld, and alleges as follows:

23 1. Plaintiff is an individual and at all relevant times, was and is a resident of the County  
 24 of RIVERSIDE in the State of CALIFORNIA.

25 2. Defendant Sonoran Barbeque Nevada, LLC, doing business as Famous Dave's Bar-  
 26 B-Que (hereinafter "Defendant") is a Limited Liability Corporation organized and existing under  
 27 the laws of the State of NEVADA authorized and doing business in the County CLARK.  
 28



1 use of Defendant's cellphone at or about the time of this accident, so as to proximately cause  
2 Defendant and Plaintiff's vehicles to collide causing the hereinafter described injuries and damages  
3 to Plaintiff. As a result of Defendant's reckless conduct, Plaintiff's vehicle was severely damaged  
4 and Plaintiff suffered grave bodily injury.

5 10. In their operation of their vehicle, Defendants, and each of them, violated statutes,  
6 laws and regulations including, but not limited to, statutes, laws and regulations relating to safe  
7 operation of a vehicle, maintaining control of a vehicle, traveling at a safe speed for the conditions,  
8 keeping a proper look-out, and other traffic safety rules and regulations.

9 11. As a direct and proximate result of the conduct of Defendants, and each of them,  
10 Plaintiff was injured in health, strength and activity, sustaining injury to the body and shock and  
11 injury to the nervous systems and persons, all of which said injuries have caused, and continue to  
12 cause Plaintiff great physical, mental and nervous pain, suffering and anguish, all to Plaintiff's  
13 general damage in a sum in excess of the minimal jurisdictional requirements of this Court to be  
14 determined at some future date, according to law. Accordingly, Plaintiff will seek prejudgment  
15 interest, pursuant to the provisions of Nevada statutory and legal authority.

16 12. As a further direct and proximate result of the negligence of Defendants, and each of  
17 them, Plaintiff is required to, and did, employ physicians, surgeons and other health care  
18 practitioners to examine, treat and care for Plaintiff, and did incur medical and incidental expense.  
19 The exact amount of such expense is unknown to Plaintiff at this time, and Plaintiff will ask leave  
20 to amend this Complaint to set forth the exact amount thereof when the same is ascertained.

21 13. Venue in this Court is proper in that the cause of action occurred within this district,  
22 and/or at least one Defendant resides in this judicial district.

23 14. Jurisdiction in this court is proper in that the principal amount in controversy is in  
24 excess of \$25,000.00.

and attorney's fees to any extent permitted by law in Nevada.

**(Negligence)**

and every allegation and statement contained in the preceding and subsequent paragraphs.

to the general negligent acts or omissions by Defendants, and each of them.

and damages.

authority.

and attorney's fees to any extent permitted by law in Nevada.

**(Negligent Entrustment Against Sonoran Barbeque Nevada, LLC)**

and every allegation and statement contained in the preceding and subsequent paragraphs.

1           22.     On the date and time of the collision alleged in this Complaint, Defendant  
2 ZEPEDA was using, operating, and driving a vehicle with the permission, consent and knowledge  
3 of Defendant SONORAN BARBEQUE NEVADA. As such, Defendant SONORAN BARBEQUE  
4 NEVADA, is vicariously liable for negligent entrustment of the vehicle that was driven by  
5 Defendant ZEPEDA.

6           23.     At all times alleged in this Complaint, Defendant ZEPEDA was a careless and  
7 reckless person in general and a careless and reckless driver of automobiles in particular. Although  
8 Defendant SONORAN BARBEQUE NEVADA, knew or should have known that Defendant  
9 ZEPEDA was a careless and reckless driver, this Defendant nevertheless negligently permitted  
10 ZEPEDA to operate the vehicle.  
11

12           24.     On April 28, 2018, when Defendant SONORAN BARBEQUE NEVADA,  
13 supplied and entrusted the subject vehicle to Defendant ZEPEDA, they knew, or in the exercise of  
14 reasonable care should have known, that Defendant ZEPEDA was an unfit driver and would create  
15 an unreasonable risk of danger to persons and property on the public streets and highways.  
16

17           25.     As a proximate result of the negligence of Defendant ZEPEDA and the resulting  
18 collision as previously alleged, the Plaintiff suffered grave bodily injuries and damages.

19           26.     Plaintiff has been forced to retain counsel to pursue her claims and seeks costs of suit  
20 and attorney's fees to any extent permitted by law in Nevada.  
21

22                           **FOURTH CAUSE OF ACTION**  
23                           **(Respondeat Superior Against Sonoran Barbeque Nevada, LLC)**

24           27.     Plaintiffs interpret herein as reference, as thoughtfully set forth at length, lack and  
25 every allegation and statement in the proceeding and subsequent paragraphs.

26           28.     At all times alleged in the complaint Defendant ZEPEDA was an employee and/or  
27 agent of the Defendant SONORAN BARBEQUE NEVADA.

28           29.     At all times alleged in the complaint Defendant SONORAN BARBEQUE

1 NEVADA, was an employer and/or principal of Defendant ZEPEDA.

2 30. At all times alleged in the complaint Defendant VALERI was acting within the  
3 scope of his employment/authority/agency from Defendant SONORAN BARBEQUE NEVADA.

4 31. By the nature of the relationship between Defendant SONORAN BARBEQUE  
5 NEVADA and Defendant ZEPEDA including, but not limited to, the right to control how  
6 Defendant ZEPEDA performed her work and the ability to, in effect, discharge Defendant  
7 ZEPEDA.

8 32. Plaintiff has been forced to retain counsel to pursue her claims and seeks costs of suit  
9 and attorney's fees to any extent permitted by law in Nevada.  
10

11 **REQUEST FOR JURY TRIAL**

12 33. Plaintiff hereby requests a trial by jury on all claims for relief alleged in, and on all  
13 issues raised by, this Complaint.  
14

15 WHEREFORE, Plaintiff pray as follows:

16 **FIRST, SECOND, THIRD & FOURTH CAUSES OF ACTION**

- 17 1. For all general damages, according to proof;  
18 2. For all special damages, according to proof;  
19 3. For medical and health care expenses, according to proof;  
20 4. For costs and pre-judgment interest;  
21 5. For attorney's fees and costs of suit; and  
22 6. For such other and further relief as the court may deem just and proper.

23 DATED: July 9, 2020

24 **THE LAW OFFICES OF KRISTINA WILDEVELD & ASSOCIATES**

25 By: /s/ Lisa Rasmussen  
26 Lisa A. Rasmussen, Esq.  
27 Attorneys for Plaintiff Yessica Ortiz  
28